

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JERRY LEE LEWIS,

Plaintiff,

v.

DANE ESSER, JUSTIN PEAK,
JASON GODFREY and JOHN DOE,

Defendants.

ORDER

14-cv-40-bbc

Two motions are before the court in this prisoner civil rights case brought under 42 U.S.C. § 1983 and the Eighth Amendment. First, plaintiff has filed a motion to compel defendants to disclose a photograph of a correctional officer named Benjamin Wohland, who plaintiff believed could be the last “John Doe” defendant in this case. In response to plaintiff’s motion, defendants provided the photograph plaintiff requested on their own accord. After reviewing the photograph, plaintiff filed a motion for leave to amend his complaint to add Wohland as a defendant.

Accordingly, IT IS ORDERED that plaintiff Jerry Lee Lewis’s motion for leave to amend his complaint to add Benjamin Wohland as a defendant, dkt. #53, is GRANTED, and plaintiff’s motion to compel, dkt. #48, is DENIED as moot. Because plaintiff has identified which allegations in his complaint pertain to defendant Wohland, it is unnecessary for him to file a new complaint.

Under the informal service agreement between the Wisconsin Department of Justice and this court the agreement, the department will have 40 days from the date of the Notice of Electronic Filing of this order to answer or otherwise plead to plaintiff's complaint if it accepts service for defendant Bohland. Because plaintiff has not made any substantive changes to his complaint, Bohland may adopt the answer filed by the other defendants if he wishes.

Entered this 20th day of November, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge